



## FISCAL MEMORANDUM

### HB 91 - SB 332

February 9, 2023

**SUMMARY OF BILL AS AMENDED (003760):** Authorizes the Department of Children's Services (DCS) to disclose to the public information about a case, so long as parties are deceased and identifying information is redacted.

### FISCAL IMPACT OF BILL AS AMENDED:

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- As defined in the proposed legislation, identifying personal information includes date of birth, address, and social security number.
- According to DCS, the proposed legislation may be in conflict with 42 USC 5106a (b)(2)(B)(viii), which requires that states who receive federal funds must have methods to ensure confidentiality of all records to protect the rights of children and their parents or guardians, and shall only be made available to: individuals who are the subject of the report, government entities, child abuse citizen review panels, child fatality review panels, a grand jury or court, or other entities of individuals statutorily authorized by the state to receive the information for a legitimate state purpose.
- The proposed legislation only specifies that the information may be disclosed to the public, not to one of the allowed parties as previously listed. Therefore, if such information is disclosed and found to be out of compliance with 42 USC 5106a (b)(2)(B)(viii), federal grant funding may be jeopardized. However, it is reasonably assumed that DCS will not disclose any information that would jeopardize federal funding.
- Disclosure of information allowable under federal law under the circumstances outlined in this legislation can be accomplished by DCS within existing resources; any fiscal impact is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/cd